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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/967,036

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Clyde S. Clark

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12/30/2005

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EXAMINER

PATEL, NIMESH G

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/967,036	Applicant(s) CLARK ET AL.	
	Examiner Nimesh G. Patel	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-41 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-41 and 45-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20010928</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 31-41 and 45-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly added limitation "wherein when the fault occurs, the plurality of applications corresponding to the host system that failed are executed *via the plurality of buses of the host system that is still active*"(emphasis added) does not seem to be supported by the drawings or specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31-41 and 45-49 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,783 to Hammersley.

With regard to claims 31 and 45, Hammersley discloses a system including: first host system(Fig. 2, including items 110(a) and 122(a)) executing a first plurality of applications via a first plurality of buses(Figure 2, 130, 130(a), 132(a), 140(left side of figure)); and a second host system(Fig. 2, including items 110(b) and 122) executing a second plurality of applications via a second plurality of buses(Figure 2, 130, 130(b), 132(b), 140(b)(right side of figure)) and the second host system coupled with the first host system via a communications link(Fig. 2, 126), wherein the first host system and the second host system each include a controller. The controller includes a fault detection module coupled with fault detection hardware, the fault detection module to receive a notification from the fault detection hardware indicating a fault (column 4, lines 64-67 to column 5, lines 1-3; column 5, lines 51-54; and column 6, lines 25-31), of either the first host system or the second host system, wherein when the fault occurs, the plurality of applications corresponding to the host system that failed(for example, 110(b)) are executed via the plurality of buses of the host system that is still active(Figure 2, 130, 130(a), 132(a), 140(left side of figure)) and a host control (HC) interface unit to generate control signals transmitted during startup and fail-over (column 6, lines 56-67 to column 7, lines 1-56).

With regard to claims 32-36 and 46-49, see generally: Fig. 2, items 112(a), 112(b), 116(a) and 116(b); column 4, lines 4-17 and lines 46-63; column 4, lines 4-30; and (column 6, lines 56-67 to column 7, lines 1-56).

With regard to claim 37, Hammersley discloses a method including: executing a first plurality of applications via a first plurality of buses(Figure 2, 130, 130(a), 132(a), 140(left side of figure)); and a second host system(Fig. 2, including items 110(b) and 122) executing a second plurality of applications via a second plurality of buses(Figure 2, 130, 130(b), 132(b), 140(b)(right side of figure)); receiving a notification from fault hardware indicating a fault of either the first host system or the second host system, wherein when the fault occurs, the

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plurality of applications corresponding to the host system that failed(for example, 110(b)) are executed via the plurality of buses(Figure 2, 130, 130(a), 132(a), 140(left side of figure)) of the host system that is still active(column 4, lines 64-67 to column 5, lines 1-3; column 5, lines 51-54; and column 6, lines 25-31); and generating control signals to be transmitted during startup and fail-over (column 6, lines 56-67 to column 7, lines 1-56).

With regard to claim 38, Hammersley discloses: accessing the first and second plurality of applications executed on the first host system and the second host system(Fig. 2, items 112(a), 112(b), 116(a) and 116(b); column 4, lines 46-63); and providing clock signals to the plurality of buses (column 4, lines 4-17).

With regard to claims 39-41, Hammersley discloses: where the first and second plurality of buses comprises a plurality of COMPACTPCI buses (column 4, lines 4-30); and where the method further includes the steps of receiving the control signals to be used during startup and fail-over; and responding to the control signals received during startup and fail-over (column 6, lines 56-67 to column 7, lines 1-56).

Therefore, Hammersley discloses the invention as specified in claims 31-41 and 45-49.

Response to Arguments

5. Applicant's arguments with respect to claims 31-41 and 45-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

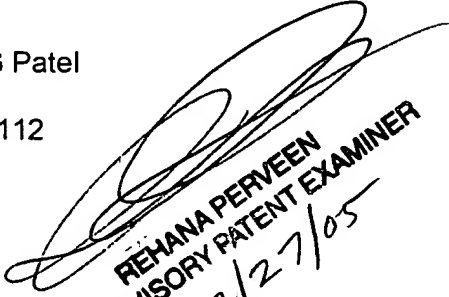
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nimesh G. Patel whose telephone number is 571-272-3640. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nimesh G Patel
Examiner
Art Unit 2112

NP
December 23, 2005


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
12/27/05